

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 480 – HB 695

February 9, 2021

SUMMARY OF BILL: Enhances the penalty for assault against a first responder to a Class E felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$7,370,500 Incarceration*

Decrease Local Expenditures – \$611,100/FY21-22 and Subsequent Years

Assumptions:

- Public Chapter 3 of the Second Extraordinary Session of the 111th General Assembly created the Class A misdemeanor offense of assault against a first responder. As such, statistics for convictions of the recently created offense are not yet available.
- The proposed legislation will increase the penalty for assault against a first responder to a Class E felony.
- Based on data obtained through the Tennessee Bureau of Investigation (TBI) Tennessee Incident Based Reporting System (TIBRS), over the last three years, there was an average of 1,170 arrests for simple assault against law enforcement officer or government employee.
- Based on information in the FY19-20 Annual Report of the Tennessee Judiciary, approximately 47.7 percent of criminal court dispositions statewide resulted in a conviction.
- This analysis assumes 47.7 percent, or 558.1 (1,170 x 47.7%), of arrests would result in a Class E felony admission under the proposed legislation.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.80 percent per year for each of the past 10 years (from 2009 to 2019), yielding a projected compound population growth rate of 8.3 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 46.3 (558.1 x 8.3%) additional admissions for a total of 604 (558.1 + 46.3).
- According to the Department of Correction (DOC), 30.79 percent of offenders will re-offend within one year of their release. A recidivism discount of 30.79 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by the proposed legislation. It is

assumed that the re-offender would have committed the subsequent offense at the same felony level as the proposed legislation (604 offenders x 30.79% = 186 offenders).

- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class E felony is 0.6 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, 418 (604 – 186) offenders will be admitted every year serving an additional 219.15 days (0.6 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$7,370,514 (\$80.46 x 219.15 x 418).
- This analysis assumes individuals convicted of a Class A misdemeanor offense assault against a first responder are spending an average of 15 days in local jail.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- The proposed legislation will result in a recurring decrease in local incarceration expenditures estimated to be \$611,120 (\$73 x 558.1 offenders x 15 days) in FY21-22 and subsequent years.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

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